

MINUTES

**CITY OF WARR ACRES
REGULAR CITY COUNCIL MEETING
TUESDAY
AUGUST 17, 2004
7:00 P.M.**

1. The meeting was called to order at 7:00 p.m. Declaration of a quorum present was given. The Flag salute was lead by Chief Rob Carter and the Invocation was given by Police Chaplin Mike Anderson.

ROLL CALL

PRESENT

Mayor Marietta Tardibono
Vice-Mayor Tom Smith
Councilman Jimmy Alexander
Councilwoman Leslie Owens
Councilman Mike Gossman
Councilman Bob Wehba
Councilman Justin Frisbie
Councilman Barry Curl
Councilwoman Nancy Olson

ABSENT

DEPARTMENT HEADS AND CONSULTANTS PRESENT

Pamela McDowell-Ramirez, City Clerk
Roger Patty, Police Chief
Rob Carter, Acting Fire Chief
Bob Jernigan, City Attorney
Mike Turman, City Inspector
Wiley Rice, Jr., City Planner

2. Questions and Comments from Warr Acres Residents.

Resident Mark Atkinson addressed the council with concerns about his neighbor's dogs. He stated that he believed the city should do something because there were more dogs than allowed by Ordinance, they are noisy, smelly and he perceived them to be dangerous. He stated that the backyard looked like a war zone and that one dog was chained to a wheel rim and he understood that was used to train dogs to fight. The Mayor stated that she took his call last week and past the information on to the Animal Control Officer today, because it was the first time

she had seen him since he was attending Animal Control School. Mr. Atkinson stated that the past ACO officer was of no help and hoped this one could help. Chief Patty explained that the Ordinances stated that there is a three pet limit, unless there were puppies and then they could only stay for a short time. He told him that there was also an Ordinance that addressed barking, however, two or more neighbors would need to file a complaint. He also told Mr. Atkinson that there were some changes being worked on concerning Animal Ordinances. Mr. Atkinson stated that something needed to be in the Ordinances pertaining to smell. He also asked questions about if the neighbor was running a business and cruelty to animals.

Item 19 was heard before the recess.

3. Recess to enter into the Warr Acres Economic Development Authority Meeting.

Motion by Wehba, second by Frisbie to recess. Poll vote: Alexander, yea; Owens, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, abstain; Olson, yea; and Tardibono, yea.

Motion Passed.

The council recessed at 7:38 p.m.

Convene as Warr Acres Economic Development Authority.

The meeting of the Warr Acres Economic Development Authority was convened at 7:38 p.m.

1. Approval of Minutes of the Meeting of Economic Development Authority Regular Meeting of July 20, 2004. ****

Motion by Frisbie, second by Wehba to approve the minutes. Poll vote: Alexander, yea; Owens, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Olson, yea; and Tardibono, yea.

Motion Passed Unanimously.

2. Discussion and possible action on setting policies towards businesses and possibly entering into Executive Session as allowed under 25 O.S. Supp 307 (10), All nonprofit foundations, boards, bureaus, commissions, agencies, trusteeships, authorities, councils, committees, public trusts, task forces, or study group supported in whole or part by public funds, or entrusted with the expenditure of public funds for purposes of conferring on matters pertaining to economic development, including the transfer of property, financing, or the creation of a proposal to entice a business to locate within their jurisdiction if public disclosure of the matter discussed

would interfere with the development of products or services or if public disclosure would violate the confidentiality of the business.

Motion by Smith, second by Frisbie to enter into executive session. Poll vote: Alexander, yea; Owens, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Olson, yea; and Tardibono, yea.

Motion Passed Unanimously.

The Trustees entered into executive session at 7:39 p.m.

The Trustees returned to open session at 8:08 p.m. **WITH NO ACTION TAKEN.**

3. Adjournment of the Warr Acres Economic Development Authority Meeting.

Motion by Frisbie, second by Owens to adjourn the Economic Development Authority meeting. Poll vote: Alexander, abstain; Owens, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Olson, yea; and Tardibono, yea.

Motion Passed.

4. Reconvene City Council Meeting.

The Council reconvened the Council meeting at 8:09 p.m.

5. CONSENT DOCKET: (individual items may be deleted from the consent docket for discussion and action under #6.

- A. Approval of Expenditures – General Fund \$ 48,873.47
E911 Fund \$ 177.35
- B. Approval to send to Police Department Personnel to Albuquerque, NM from October 19-21 for training from the Federal government on Local Response to Terrorist Bombings.

Motion by Owens, second by Wehba to approve the consent docket. Poll vote: Alexander, yea; Owens, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Olson, yea; and Tardibono, yea.

Motion Passed Unanimously.

6. Discussion and possible action on items removed from the consent docket.

Moot.

7. Discussion and possible action on switching phone service from SBC to Cox Communications.

Todd Davis with Cox Communications was present to discuss how Cox could save the city money on its phone service along with the internet and cable service. He was asked if Cox would be willing to have the contract run on fiscal year time frame and he said that would not be a problem. Bob Jernigan stated that he needed to check and see if the city would be able to get out of the contract that they are currently under with SBC.

Motion by Wehba, second by Owens to direct Bob Jernigan to check on the contract with SBC and to continue the item to the September 7th meeting to allow him time to find out. Poll vote: Alexander, yea; Owens, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Olson, yea; and Tardibono, yea.

Motion Passed Unanimously.

8. Discussion and possible action on preparing bid specs and requesting bids for a new/used Front-end loader Sanitation truck.

Earl Hayes stated that he had been in contact with J&R Equipment and that a representative was planning on attending the meeting but called this afternoon and will be unable to attend. He stated that even though he has been dealing with J&R they understand that they will have to go through the bid process just like everyone else. Mr. Hayes stated that he had prepared the information all on one sheet like Councilman Curl had requested. Councilman Wehba stated that the old unit had some value if they were willing to credit \$12,000 for trade in. Mr. Hayes stated that at the last meeting and in his information to the council there was information concerning a 2003 demo unit and that it might be being purchased by someone else. Councilman Alexander asked how critical the truck was to the department and he was told that it is used every day. Mr. Hayes said that even if the repair work was done that had been previously discussed there would still need to be body work done on the hopper.

Motion by Wehba, second by Smith to continue the item to the September 7th meeting and be provided with bid specs that included terms and conditions. Poll vote: Alexander, yea; Owens, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Olson, yea; and Tardibono, yea.

Motion Passed Unanimously.

9. Discussion and possible action on allowing flu shots for the employees at the cost of \$15 each.

Motion by Owens, second by Alexander to approve the flu shots. Poll vote: Alexander, yea; Owens, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Olson, yea; and Tardibono, yea.

Motion Passed Unanimously.

10. Discussion and possible action concerning Police fines and directing the city attorney to draft an Ordinance amending certain fines as proposed by Chief Patty.

The Mayor thanked Chief Patty on the great work he did preparing the information. Councilman Gossman asked if the fine for speeding in a school zone was high enough. Chief Patty stated that it could be higher but he did not like block fines and that some one doing 11 over should not be fined the same as some one doing 19 over. There was a question concerning the fine for interfering with the Animal Control officer and Chief Patty stated that he is also a Police officer and the fine should be the same.

Motion by Gossman, second by Olson to approve directing the City Attorney to prepare an Ordinance amending the fines. Poll vote: Alexander, yea; Owens, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Olson, yea; and Tardibono, yea.

Motion Passed Unanimously.

11. Receive reports from Staff: Police, Fire, City Clerk, City Inspector, Street, Sanitation, Sewer, City Engineer, City Planner.

Chief Patty-told the council that he had hired two new dispatchers replacing the ones that left.

Johnny Dickson-stated that the Street department is behind in mowing cause of the rain and that 43rd Street was also on hold due to staffing. He stated that the crosswalk on Ann Arbor was being put in and that the curb would have to be cut in order to put in the wheel chair ramp. He stated that he had some temps but they can only mow and have to have one full time person with them. Mr. Dickson handed out maps that showed street around the city that needed overlayed. He told the council that he did not have enough staff to do street work.

Councilwoman Owens asked if the County could help with the streets. The Mayor told the council that the County will only help on main through fairs. Bob Jernigan stated that he had found the paperwork concerning OKC Water and the repair of city streets after work on water lines is completed. He told the council that the agreement states that the street shall be repaired to the satisfaction of the City of Warr Acres. Councilman Wehba stated the problem is that OKC contracts out the work. Mr. Jernigan stated that by Ordinance they must also get permits to do work.

The Mayor called for a ten minute recess at 8:53 p.m.

The council returned at 9:03 p.m.

Item 17 was heard before item 12.

12. Reports from Committees.

Councilman Gossman-said the fee committee has not met but Mike Turman had gathered some information and they had talked about the fees.

Councilman Wehba-said that he would be getting with the Animal Control officer soon and prepare some changes.

Councilman Wehba-said the salary committee had not met but they would be getting together.

Councilman Smith-said that further study was needed on the tax issue and that the members needed to get together and they set a meeting for Friday of the following week.

13. Report and recommendation from the Planning Commission on restrictions to accessory buildings and structures including review of adjusted Ordinance.

This item was heard with item 14.

14. Final Public Hearing, receive recommendation of the Planning Commission and possible action on repealing Title 19 Section 19.60.020(A).

Councilman Gossman stated that this has been an on going process that has been heard by the Title 19 committee, the Planning Commission and now back to the Council. Planning Commission Chairman Bob Carter had prepared a statement that he read to the council and is made a part of these minutes. (see attached) Councilman Gossman stated that he would like a committee of himself, Wiley Rice, Mike Turman and Barry Curl to review the recommendations.

Motion by Smith, second by Olson to continue this item to the September 21st meeting to allow the new committee time to review the recommendations. Poll vote: Alexander, yea; Owens, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Olson, yea; and Tardibono, yea.

Motion Passed Unanimously.

15. Discussion and possible action a proposal for payment of attorney fees from Fiscal Year 2003-2004 for 8 months in the amount of \$25,000.

Motion by Owens, second by Smith to approve payment. Poll vote: Alexander, yea; Owens, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Olson, yea; and Tardibono, yea.

Motion Passed Unanimously.

16. Discussion and possible action on Resolution #400 and authorizing the Mayor and the City Clerk to execute all necessary agreements and documentation for Project #STP-155A(197)AG, MacArthur Blvd from NW 50th to NW 63rd Street. And approval to pay the estimated city portion of \$660,000.00.

Bob Jernigan said that he had a meeting set with ODOT concerning the payment and an extension. He asked that the item be stricken at this time and that a special meeting will need to be called after he has his meeting with ODOT. Resident Mark Adkinson asked where the money for the project was coming from since he reads in the paper everyday that the city doesn't have any money. Councilman Curl stated that the city set up a fund years ago that money is placed into to fund the project. Mr. Adkinson inquired as to why this section was being done first. Councilwoman Owens stated that ACOG had been working on this project of 15 years and that the city needed to get more information out to the residents concerning the project. Councilman Wehba stated that when the Project 39 was in the works they were going to do that section but after that fell through then the city choose to do this section since it was cheaper. Jesus Morales said that the council has been talking about not having any money to do different things and yet the city is going to spend \$660,000 on a project that has no benefit to the city. He stated that years ago when he was on the council and they chose to do project one which was 33rd to 50th it was in the commercial area and that is where the money is and needs to be developed and financed to bring in more business. He continued by saying the reason for the fifth lane was to allow people to turn into these businesses. Doing 50th to 63rd only helps residents to enter their properties and to him the money is being misspent and it should be spent on economic development. He asked the council who would be benefiting from the widening from 50th to 63rd and wanted to know if someone's hands were getting greased, the landlords of the rental properties, special interest groups because it is sure not being used for economic development. He again stated that the money needed to be spent where it would bring in more money. He said the Sanitation department needed money and there was not any so there are temps being used that don't even know how to work and they are causing even more problems.

17. Discussion and possible action on returning the garbage service to a 5 day work week with Wednesday curb pick up. *Wehba*

Councilman Wehba stated that he had gotten a lot of complaints about garbage and feels that the city needs to go back to three day a week pickup. He stated that an additional fee could be charged to off set the extra service. Councilman Smith stated that he has pick up on Tuesdays and really does not need Wednesday pick

up and that if he puts something at the curb on his regular day the Sanitation department picks it up. Councilman Wehba said that if the branches are not bundled then they do not get picked up and they used to pick them up. Councilman Smith stated that it sounded like a nuisance if they are not cut and bundled. Councilman Wehba said that people now have to get dumpsters when before the trash picked up at no charge. Earl Hayes said that the people like being able to rent the 2 yard dumpsters for \$25 cause it allows them to get rid of lots of stuff for not a lot of money. Councilman Wehba stated that the council needed to know if the residents were willing to pay more for services. Councilwoman Owens stated that the residents should be offered many choices, dumpsters, big cans what ever. She also stated that the council needed to find out what the residents were willing to pay for. Tommy Pike stated that he supported Councilman Wehba on this issue. Councilman Gossman stated that at the Town Hall meeting the residents said they did not want the Big Blue's. The Mayor asked if any other council members had received complaints and they responded that they had not. She told them that the calls she has received were all happy that the city was able to save some money.

No Action Taken.

18. Discussion and possible action on Resolution #402 amending the number of hours allowed to be booked for comp time from 10 hours to 40 hours. *Jernigan*

Motion by Gossman, second by Curl to leave the hours as they are at 10. Poll vote: Alexander, yea; Owens, nay; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Olson, yea; and Tardibono, nay.

Motion Passed.

19. Discussion and possible action on approving the Mayor to execute a contract for an audio/video system and waive competitive bidding. *Jernigan*

Greg Robertson with Audio Associates was present to explain to the council what items were requested and answer questions. Mr. Robertson told the council that he had been under contract with the City of Oklahoma City of a number of years for supplies and services. Mr. Robertson showed the council the type of microphones that would be installed. Councilman Wehba stated that there was not enough room currently at each persons spot as it was and the new mics would cut that space down even more. Mr. Robertson stated that the new mics would be voice activated and if someone was talking and did not want their mic on they could turn it away from in front of them so they would not be activated. He told them there were to be two cameras, a new mixer, mics, and controls for the cameras. Councilman Curl stated that he had hoped for additional cameras in order to have close ups of the members when they spoke. It was explained that if the city were to go that high tech it would take an additional person to run the equipment. Tom Pike spoke to the council and stated that it was purely a

municipal issue and wanted to know how they could waive the bidding process. He also told the council that they should read Ordinance 892.

Motion by Frisbie, second by Owens to waive competitive bidding and approved for the Mayor to execute a contract for the equipment. Poll vote: Alexander, yea; Owens, yea; Gossman, yea; Wehba, nay; Frisbie, yea; Curl, abstain; Smith, yea; Olson, yea; and Tardibono, yea.

Motion Passed.

20. Discussion and possible action on approving a contract with Havern, Behrens and Heim for Audit Services in the amount of \$8,400.

Motion by Wehba, second by Owens to approve the contact. Poll vote: Alexander, yea; Owens, yea; Gossman, yea; Wehba, yea; Frisbie, yea; Curl, yea; Smith, yea; Olson, yea; and Tardibono, yea.

Motion Passed Unanimously.

21. Questions and comments from Council members.

Councilwoman Owens-stated residents are having a problem with a drainage ditch at 51st and Grove.

Councilman Gossman-questioned Chief Patty about parking problems on Ann Arbor. Chief Patty stated that parking is not allowed on either side of Ann Arbor. Councilman Gossman also questioned if items concerning personnel could be discussed in executive session. He was told that persons names would have to be listed on the agenda item.

Councilman Wehba-told the council that after the last rain it again flooded at 34th and Hammond, however, it did drain off better. He also stated that it was quite evident where the problem is coming from and it is from Bethany. He said they have a ditch that needs replaced. He also asked Mr. Barrett about the letter he sent to ODOT concerning Ann Arbor saying that he never received a copy of the letter.

Bob Jernigan-said that today was Bob Cunningham's Workers Comp court date and it lasted about 1 ½ hours and it is now up to the judge. He also stated that the case that was filed concerning an auto has been dismissed.

Councilman Curl-said that he and Councilman Frisbie worked with a new resident and got with Mr. Turman on the issue and he thanked Mr. Turman for his quick response.

Councilman Smith-said he has had several complaints about excessive speeding on side streets west of Hammond after 11:00 p.m. and he said they are going 60 to 80 mph. There also seems to be a problem with the mini motorcycles and go carts.

22. Old or New Business (“New Business” is defined by the Open Meeting Act as any matter not known about or which could not have been reasonably foreseen prior to the time of posting of the agenda of a (“surprise nature”)).

None.

23. Adjournment.

Motion by Curl, second by Gossman to adjourn. The meeting was adjourned at 10:47 p.m. by acclamation.

Respectfully submitted,

Pamela McDowell-Ramirez
City Clerk